

**REMARKS**

Claims 23-61 were rejected. Claim 26 is amended. No new matter is added. Claims 23-61 are now pending. The above amendments and the following remarks are considered by Applicants to overcome each rejection raised by the Examiner and to place the application in condition for allowance.

*Information Disclosure Statement*

The Examiner contends that the Information Disclosure Statement (“IDS”) filed June 17, 2005, fails to comply with 37 C.F.R. 1.98(a)(2). Applicants resubmit the IDS herewith, attaching each cited foreign reference and citing each U.S. patent publication. Accordingly, Applicants respectfully submit that the IDS is in compliance with 37 C.F.R. 1.98(a)(2).

*Claim Rejections – 35 U.S.C. § 112*

The Examiner rejected claim 33 pursuant to 35 U.S.C. § 112 as being indefinite for using the term “preferably.” Applicants have amended claim 33 to remove the term “preferably,” and therefore Applicants respectfully request withdrawal of the rejection.

*Claim Rejections –35 U.S.C. § 102(b)*

The Examiner rejected claims 23-33, 36-41, and 44-47 pursuant to 35 U.S.C. § 102(b) as being anticipated by Simon (U.S. Pat. No. 6,178,041). Simon discloses a device for coupling radiation from short-pulse lasers into a beam path of a microscope.

Simon, however, does not disclose “focusing the illumination light on or in the sample, wherein the spectral components are superposed,” as required by independent claims 23, 26, and 27. Each of these claims specifies that the “spectral components” have pulse lengths greater than the pulse length of the illumination source. Thus, as explained in paragraphs 27, 28, and 58 of the application, short pulses do not travel through the microscope of the claimed invention. Rather, long-pulse spectral components travel through the microscope and are not superposed until they are focused on or in the sample.

By contrast, Simon reunites pulses in the pulse splitting/ combining unit, thus causing short pulses to travel through the microscope. (Simon, column 2:60-3:13; Figures 1-4.) As a result, Simon does not disclose long-pulse spectral components superposed when focusing the illumination light on or in the sample. Accordingly, Simon does not disclose each limitation of

independent claims 23, 26, or 27, or their dependent claims, and therefore Applicants respectfully request withdrawal of the anticipation rejections.

*Claim Rejections –35 U.S.C. § 103*

The Examiner rejected claims 34-35, 42-43, and 48-61 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Simon. As discussed above, Simon fails to disclose “focusing the illumination light on or in the sample, wherein the spectral components are superposed,” as required by independent claims 23, 26, and 27.

Further, it would not have been obvious to add this claimed feature to the teachings of Simon. As explained in paragraphs 27, 28, and 58 of the application, having long-pulse spectral components travel through the microscope that are superposed on or in the sample causes the absence of short pulses between the first dispersive element D1 and the sample T. As a result, the optics traversed by the light pulses need not be protected from damage by very short pulses or by very high peak pulse outputs. (*See Application, paragraph 28.*) Simon fails to disclose such an arrangement, and fails to achieve such an advantageous result.

For these reasons, Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to arrive at the invention of independent claim 23, 26, or 27, or their dependent claims. Accordingly, Applicants respectfully request withdrawal of the obviousness rejections.

An early action on the merits of these claims is respectfully requested.

Respectfully submitted,

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